

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Santana Row Hotel Partners, L.P.,

NO. C 05-00198 JW

Plaintiff,

v.

Zurich America Insurance Company, et. al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE FIRST  
AMENDED COMPLAINT**

This is an action for breach of an insurance contract. Plaintiff Santana Row Hotel Partners, L.P.'s ("Plaintiff") moves for leave to amend its complaint under Fed. R. Civ. P. 15(a) to add a new party and two additional causes of action against Defendant Zurich America Insurance Company ("Zurich"). (See Plaintiff's Motion for Leave to File Amended Complaint, Docket Item No. 43, Ex. A.). Specifically, Plaintiff seeks to amend the complaint to include Arthur J. Gallagher and Company ("AJG") in its claims of breach of third party beneficiary contract and fraud. Plaintiff also seeks to amend the complaint to include claims of promissory estoppel and breach of third party beneficiary contract solely against Zurich.

Plaintiff noticed the motion for hearing on November 28, 2005. Thereafter, Zurich and Defendant Gallagher-Pipino, Inc. ("Gallagher") each filed a statement of non-opposition to Plaintiff's motion. Accordingly, the November 28 hearing date is vacated, and the motion for leave to amend is GRANTED as unopposed. Plaintiff shall file and serve the First Amended Complaint no later than November 30,

**United States District Court**  
For the Northern District of California

2005.

Dated: November 16, 2005

05cv198amend

/s/James Ware

JAMES WARE

United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: November 16, 2005**

**Richard W. Wieking, Clerk**

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10 By: /s/JW Chambers  
11 **Ronald L. Davis**  
12 **Courtroom Deputy**  
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